

REMARKS

With the cancellation, without prejudice of claims 17 to 19, and the addition of claims 20 and 21, claims 9 to 16, 20 and 21 are pending in the present application.

In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited reference(s).

The title was objected to as being not descriptive. In particular, the Office Action asserts on page 2 that a new title is required, which is clearly indicative of the invention to which the claims are directed. Applicants respectfully disagree since the title recites, verbatim, the preamble of independent claim 1. Withdrawal of the objection to the title is therefore respectfully requested.

Claims 15 to 19 were objected to for certain alleged informalities with respect to clarity. In response, Applicants have amended claims 15 and 16 to address the alleged informalities, and the amendments are believed to be self-explanatory. Withdrawal of the objection to claims 15 to 19 is therefore respectfully requested.

Claims 9 to 19 were rejected under the judicially created doctrine of double patenting over claims of U.S. Patent Application No. 10/529,425.

To facilitate matters, a terminal disclaimer is submitted herewith. It is therefore respectfully requested that the rejections be withdrawn as moot.

Claims 9 to 19 were rejected under 35 U.S.C. § 102(e) as anticipated by PCT Published International Patent Application No. WO 96/39632 ("Martin").

Claim 1 relates to a micromechanical component having a body having a hollow space and a region of porous silicon located contiguously thereto, in which the region of porous silicon is provided for lowering a pressure prevailing in the hollow space, in that gases are bound to the porous silicon.

It is respectfully submitted that the Martin reference does not identically disclose (or even suggest) a region of porous silicon *provided for lowering a pressure prevailing* in a contiguously located hollow space, as provided for in the context of claim 1. Instead, Martin refers to using porous silicon structures only to absorb moisture. In particular, Martin states that "[p]orous silicon structures have oxide surfaces that absorb

moisture”, and “[t]hus porous silicon etched into the internal surface of the cap will getter any moisture which may diffuse through the adhesive seal.” Moreover, in claim 18, Martin states that “the etching step includes forming porous silicon that getters moisture.”

Accordingly, for at least these reasons, it is respectfully submitted that the Martin reference does not anticipate claim 1, and therefore claim 1, is allowable.

Claims 10 to 13 ultimately depend from claim 1, and are therefore allowable for at least the same reasons as claim 1.

Claims 14 to 16, as presented, recites features essentially analogous to claim 1, and are therefore allowable for at least the same reasons as claim 1.

Claims 17 to 19 have been canceled, and therefore the rejections of these claims are now moot.

Withdrawal of the anticipation rejections is therefore respectfully requested.

New claims 20 and 21 do not add any new matter, and are supported by the present application, including the specification. New claims 20 and 21, which depend, respectively, from claim 1 and claim 14, are allowable for at least the same reasons as their respective base claim.


In sum, claims 9 to 16, 20 and 21 are allowable for at least the above reasons.

Conclusion

In view of the foregoing, it is respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections be withdrawn. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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